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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DEUTSCHE BANK NATIONAL TRUST
11 COMPANY AS TRUSTEE FOR DSLA
12 MORTGAGE LOAN TRUST MORTGAGE
13 LOAN PASS-THROUGH CERTIFICATES,
14 SERIES 2006-AR2,

15 Plaintiff,

16 vs.

17 FIDELITY NATIONAL TITLE GROUP,
18 INC.; COMMONWEALTH LAND TITLE
19 INSURANCE COMPANY; DOE
20 INDIVIDUALS I through X; and ROE
21 CORPORATIONS XI through XX, inclusive,

22 Defendants.

Case No.: 2:21-cv-00192-KJD-NJK

**JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

23 Plaintiff, Deutsche Bank National Trust Company, as trustee for DSLA Mortgage Loan
24 Trust Mortgage Loan Pass-Through Certificates, Series 2006-AR2 (“Plaintiff”), Specially-
25 Appearing Defendant Fidelity National Title Group, Inc. and Defendant Commonwealth Land
26 Title Insurance Company (“Defendants”, collectively, the “Parties”), by and through their
27 counsel of record, hereby submit their proposed Joint Discovery Plan and Scheduling Order
28 pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a-b).

I. INFORMATION PURSUANT TO FRCP 26(f).

1. Meeting. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(a), a meeting was held on
March 4, 2021, and was attended by Lindsay D. Robbins, Esq. of Wright, Finlay & Zak, LLP,

Counsel for Plaintiff, and Sophia S. Lau, Esq., of Early, Sullivan, Wright, Gizer & McRae, LLP, Counsel for Defendants.¹

II. INFORMATION PURSUANT TO LR 26-1(B).

1. *Discovery Plan.* The Parties proposed to the Court the following discovery plan:

(a) Subject of Discovery. Discovery will be needed on the following subjects: All claims set forth in the Complaint, as well as the defenses relevant to the action.

(b) Discovery Cut-Off Dates. Discovery will take **180 days**, measured from February 3, 2021, the date Defendants filed their Petition for Removal [ECF No. 1]. The discovery cut-off date, therefore, will be **August 2, 2021**.

(c) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). Disclosure of experts shall proceed according to Fed. R. Civ. P. 26(a)(2):

(1) The disclosure of experts and expert reports shall occur on **June 3, 2021**, which is sixty (60) days before the discovery cut-off date;

and

(2) The disclosure of rebuttal experts and their reports shall occur on **July 2, 2021**, which is thirty-one (31) days before the discovery cut-off date.

2. *Other items.*

(a) Initial Disclosures. The Parties will exchange initial disclosures by **April 2, 2021**. The Parties will continue to supplement their disclosures in accordance with the Federal Rules of Civil Procedure.

(b) Amending the Pleadings and Adding Parties. The Parties have until **May 4, 2021**, to file any motion to amend the pleadings or to add parties, which is ninety (90) days before the discovery cut-off date pursuant to LR 26-1(b)(2).

(c) Dispositive Motions. The Parties shall have until **September 1, 2021**, to file dispositive motions. This is thirty (30) days after the discovery cut-off date pursuant to LR 26-1(b)(4).

¹ Defendants submit this proposed joint discovery plan without waiver of their right to seek a stay. Defendants intend to seek a stay of the action pending the appeal of several matters before the Ninth Circuit involving similar legal issues if Plaintiff does not stipulate to a stay.

1 (d) Settlement. All Parties will continue to discuss possible resolution to this matter.

2 (e) Pretrial Order. The pretrial order shall be filed by **October 1, 2021**, which is not
3 more than thirty (30) days after the date set for filing dispositive motions in the case.
4 **This deadline is suspended if the dispositive motions are timely filed until**
5 **30 days after decision on the dispositive motions or further Court order.** The disclosures required by
6 Fed. R. Civ. P. 26(a)(3) shall be made in the joint pretrial order.

7 (f) Court Conference. The Parties are not requesting a conference with the Court
8 before entry of the scheduling order.

9 (g) Later Appearing Parties. A copy of this discovery plan and scheduling order
10 shall be served on any person served after it is entered, or, if an additional defendant should
11 appear, within five (5) days of their first appearance. This discovery plan and scheduling order
12 shall apply to such later-appearing parties, unless the Court, on motion and for good cause
13 shown orders otherwise. **26-3**

14 (h) Extension or Modification of the Discovery Plan and Scheduling Order. LR ~~26-~~
15 ~~4~~ governs modifications or extensions of this discovery plan and scheduling order. Any
16 stipulation or motion must be made no later than twenty-one (21) days before the subject
17 deadline, and must fully comply with LR ~~26-4~~. **26-3**

18 (i) Estimate of Time Required for Trial. The Parties estimate that a trial will take
19 10-15 days.

20 (j) Alternative Dispute Resolution: The Parties hereby certify pursuant to LR 26-
21 1(b)(7) they met and conferred about the possibility of using alternative dispute-resolution
22 processes including mediation, arbitration, and if applicable, early neutral evaluation
(collectively, ADR). The Parties determined ADR is not a viable option at this time.

23 (k) Alternative Forms of Case Disposition: The Parties hereby certify pursuant to LR
24 26-1(b)(8) they considered consent to trial by a magistrate judge and/or use of the short trial
25 program. The Parties do not consent to either at this time.

26 (l) Electronic Evidence: The Parties have discussed the production of electronic data
27 and will stipulate to a protocol for handling electronically stored data if necessary.
28

(m) Time to Notice Depositions Pursuant to Fed. R. Civ. P. 30(b)(6): The Parties agree to provide at least fourteen (14) days notice prior to taking a deposition pursuant to Fed. R. Civ. P. 30(b)(6), unless otherwise agreed.

(n) Issues about claims of privilege or protection of trial preparation materials:

(i) Any or all Parties, may require a protective order in order to protect the disclosure of certain confidential business information. In the event such a protective order becomes necessary the Parties will submit a stipulated protective order to the parties for agreement, or if necessary, may file a motion for protective order.

(ii) Claw-back of Inadvertent Disclosure of Privileged Materials: The Parties agree that the procedures set forth in Fed. R. Civ. P. 26(b)(5) shall apply.

DATED this 18th day of March, 2021.

DATED this 18th day of March, 2021.

WRIGHT, FINLAY & ZAK, LLP

EARLY SULLIVAN WRIGHT GIZER &
McRAE LLP

/s/ Lindsay D. Robbins

/s/ Sophia S. Lau

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National Trust Company, as trustee for DSLA

Las Vegas, Nevada 89148

Mortgage Loan Trust Mortgage Loan Pass-

Attorneys for Defendants, Fidelity National

Through Certificates, Series 2006-AR2

Title Group, Inc. and Commonwealth Land

Title Insurance Company

IT IS SO ORDERED.

Dated this 19th day of March, 2021.


UNITED STATES MAGISTRATE JUDGE